

- 1
- 2                   -Less than 1% of mass market customers are served by facilities
- 3                   based competitive providers, the majority of which are cable
- 4                   providers;
- 5                   -Greater than 90% of the facilities based lines serve the enterprise
- 6                   market;
- 7                   -The vast majority of mass market CLEC customers (>85%) are
- 8                   served by UNE-P or resale.
- 9

10                   **MARKET DEFINITION**

11

12                   **Q17. HOW DOES THE FCC DEFINE THE DIFFERENCE BETWEEN A**

13                   **MASS MARKET CUSTOMER AND AN ENTERPRISE CUSTOMER?**

14

15                   A17. The FCC stated that the customers for mass market services are different

16                   than the customers for enterprise services.<sup>5</sup> The FCC further qualified its

17                   view of the differences in footnote 1402 of the TRO as follows:

18                   "Mass market customers are residential and very small business

19                   customers – customers that do not, unlike larger businesses,

20                   require high-bandwidth connectivity at DS1 capacity and above.

21                   Z-Tel Comments at 30-31. Mass market customers' accounts tend

22                   to be smaller, lower revenue accounts and are often serviced on a

23                   month-to-month basis and not pursuant to annual contracts. The

24                   record shows that consumers of DS1 capacity and above

25                   telecommunications are more willing to sign annual or term

26                   commitments."

27

---

customers, and Allegiance did not report that it uses any VMD loops. This suggests that Allegiance utilizes an enterprise architecture to serve its mass market customers.

**Q18. WHAT IS THE DIFFERENCE BETWEEN A MASS MARKET  
ARCHITECTURE AND AN ENTERPRISE ARCHITECTURE?**

A18. A mass market architecture would be used by CLECs serving residential and very small business customers that do not require the high bandwidth associated with a DS-1 facility. Instead of receiving service via a DS-1, a mass market customer will be served by one or more 2 wire (2W) analog loop circuits required to provision the service, and would more likely to business with a service provider on a month to month basis. Enterprise customers on the other hand will typically have sufficient lines and or data requirements to make the use of a DS-1 facility economically feasible, and would be more likely to do business with a service provider on a contract basis that could includes term commitments.

**Q19. WHAT ARE THE CRITERIA BY WHICH A CUSTOMER WOULD BE  
EVALUATED TO DETERMINE IF THEY ARE MASS MARKET OR  
ENTERPRISE.**

A19. Residential and very small business customers of 6 lines or less that do not require the bandwidth of a DS-1 would be considered mass market customers. Customers with 7 lines or more or any customer served by a DS-1 facility are considered to be enterprise customers.

---

<sup>5</sup> TRO Paragraph 459

1   **Q20. IS THE 6 LINE THRESHHOLD THE ONLY DETERMINING FACTOR?**

2

3   A20. No, as previously stated, the number of lines plus the need for high speed  
4       data connectivity could make it economic for a customer with only four  
5       lines to be served by an enterprise (DS-1) architecture. In summary both  
6       the number of lines and the customer's data requirements must be  
7       considered when determining the most economic architecture with which  
8       to support a customer.

9

10   **Q21. HOW DO YOU KNOW THAT THE 6 LINE THRESHHOLD IS THE**  
11       **CORRECT LINE OF DEMARCATION?**

12

13   A21. Although this is the best number we can derive, the varying needs of  
14       customers make it near impossible to establish an absolute point of  
15       demarcation. If all things were always equal, then the 6 line demarcation  
16       point might be able to be characterized as absolute. There is a large  
17       degree of variability introduced by a customer's data needs, as well as the  
18       potential for a 7 or 8 line customer to have no data requirements. The  
19       possibility exists that an 8 line customer with no data needs could be  
20       served via a mass market architecture and a 4 line customer with large  
21       data needs could be served by an enterprise architecture. Mr. Doug  
22       Dawson will expand upon this discussion area in testimony that profiles  
23       his study of the economic cross over point between the enterprise market

1           and mass market, and how a CLEC would likely determine the type of  
2           architecture to deploy for a particular customer.

3

4   **Q22. DID STAFF USE THE CLEC AND VMD DATA AS PART OF THE**  
5   **MARKET DEFINITION PROCESS?**

6

7   A22. Yes. From the beginning, Staff used the data in varying degrees of  
8           granularity to determine what the markets should be based on, where the  
9           CLECs reported they were operating, and how many and what type of  
10          customers they were serving.

11

12   **Q23. HOW DID STAFF BEGIN THE MARKET DEFINITION PROCESS?**

13

14   A23. Staff evaluated the data using a series of questions starting at a high level  
15          and becoming more granular as the evaluation progressed. For example,  
16          the first evaluation of the data asked the question "Where are the CLECs  
17          deploying collocation equipment, and how large a geographic territory is  
18          each serving?" The result of this question indicated that some CLECs  
19          were serving only the Washington market, some CLECs were serving only  
20          the Baltimore market and others were serving both. Subsequent more  
21          granular evaluations yielded significantly more detail. In particular it  
22          resulted in precise insights as to how CLECs served their customers and  
23          how they utilize different methods to serve the enterprise markets than

1           they use to serve the mass market. By the time Staff had completed its  
2           evaluation of the data, the analysis included questions such as "How  
3           many lines does each CLEC serve in each of the wire centers it  
4           collocates?; and Does the data provide an indication that the CLECs'  
5           operation in Maryland address the enterprise market differently than they  
6           address the mass market?"

7  
8           **Q24. WHAT KNOWLEDGE DO YOU HAVE OF THE STATE OF MARYLAND**  
9           **AND THE MARYLAND TELEPHONE NETWORK?**

10  
11          **A24.** I have lived and traveled around Maryland extensively and have a fair  
12          understanding of the demographics and communities of Maryland. I  
13          personally have a background in switch and network design, and have  
14          focused on the Maryland network as a systems engineer, technical  
15          consultant and sales manager during my career with Lucent Technologies.

16  
17          **Q25. WHAT KNOWLEDGE DO YOU HAVE OF THE ILEC AND CLEC**  
18          **NETWORKS DEPLOYED IN MARYLAND?**

19  
20          **A25.** I have considerable knowledge of the ILEC networks deployed in  
21          Maryland. My understanding of the CLEC networks deployed in Maryland  
22          was greatly enhanced by Staff's evaluation of the TRO data, and Staff is  
23          comfortable that its conclusions and findings relative to the CLEC

1 networks are supported by the data.

2

3 **Q26. DID YOU EMPLOY MORE THAN ONE METHOD TO DEFINE THE**  
4 **MARKETS IN MARYLAND?**

5

6 A26. During the early stages of my study of the TRO (before VMD submitted its  
7 testimony), I had several discussions about how and to what level of  
8 granularity the relevant geographic markets should be defined. For  
9 example I considered the possibility of defining each wire center as a  
10 market, defining contiguous communities of interest as a market, or using  
11 demographic characteristics and natural geographic boundaries to define  
12 the markets. I concluded early on that there were a minimum of two  
13 markets in Maryland that consisted of the population centers in the  
14 Washington and Baltimore areas. Only with additional study did I  
15 conclude that further segmentation of these two markets was  
16 unnecessary. In fact, further segmentation into smaller markets could  
17 erode the ability of a CLEC to enjoy the scale and scope economies which  
18 the FCC requires be considered in any TRO analysis. The decision to  
19 define the markets as larger geographic areas was in part influenced by  
20 FCC's statement that:

21 "states should not define the markets so narrowly that a competitor  
22 serving that market alone would not be able to take advantage of  
23 the available scale and scope economies from serving a wider  
24 market."<sup>6</sup>  
25

---

<sup>6</sup> TRO Paragraph 495.

**Q27. HOW MANY MARKETS DID VMD PROPOSE IN ITS TESTIMONY?**

A27. VMD has proposed two markets to be defined as the Washington Metropolitan Statistical Area (MSA) and the Baltimore MSA as defined by the federal Office of Management and Budget. VMD included in its testimony a map of the two markets on which it proposed the markets as inclusive of rate groups A1 and A2 in both the Washington and Baltimore MSA's. VMD did not rebut the FCC presumption of mass market impairment outside of the Washington and Baltimore markets.

**Q28. HOW DID THE CLECS PROPOSE TO DEFINE THE MARKETS?**

A28. The CLECs offered a variety of proposals, some of which were similar to the VMD MSA proposal, others of which advocated that markets be defined at the wire center level. AT&T does not object to using the VMD MSA approach to defining the markets for this case<sup>7</sup> but reserves the right to propose other relevant market definitions in the future. MCI advocates that each wire center be considered as its own market and that the impairment analysis be performed at the wire center level.

**Q29. WHAT IS STAFFS VIEW OF THE MARKETS IN MARYLAND?**

---

<sup>7</sup> Direct testimony of Kirchberger and Nurse page 9 line 17.  
18

1 A29. Staff agrees in principle with VMD and AT&T that there are at least two  
2 relevant geographic markets in Maryland, which consist of the Washington  
3 and Baltimore areas. Staff agrees with MCI, however, that the definition of  
4 those markets must be defined by the accumulation of the wire centers<sup>8</sup>  
5 located within each market to satisfy the FCC's requirement that the  
6 markets must be defined at a "granular level."<sup>9</sup> This method of defining  
7 the markets enabled Staff to perform its impairment analysis at a granular  
8 level and take into consideration the locations of the customers the  
9 CLEC's are actually serving. Staff did not perform any impairment  
10 analysis on the remainder of Maryland because no party rebuts the FCC's  
11 presumption of impairment for those territories.

12  
13 For purposes of the mass market impairment test, the relevant geographic  
14 location must be the wire center within which CLECs have the opportunity  
15 to collocate equipment to serve customers. To that end, Staff used a  
16 process in which it evaluated the Washington and Baltimore regions and  
17 defined each market as the aggregation of specific wire centers. Staff  
18 then tested the edges of the resulting geographic territory to determine if  
19 specific wire centers truly belonged to the geographic market and to  
20 determine if the analysis had missed wire centers that should have been  
21 included in the geographic market. The list of specific wire centers Staff  
22 proposes is included in Attachment JTH-C and JTH-D, which respectively

---

<sup>8</sup> A wire center is a geographic area that includes all of the service provider buildings, switching, transport and loop plant to required to serve the needs of its telephone customers.

<sup>9</sup> TRO Paragraph 495



1 define the Washington and Baltimore markets. Attachment E provides a  
2 list of the other wire centers in Maryland which should not be subjected to  
3 the mass market circuit switching impairment test in this proceeding.  
4 Attachment 2 includes three maps that provide both a state view and  
5 individual market view of the Washington and Baltimore markets.

6  
7 **Q30. HOW DOES THE STAFF MARKET DEFINITION PROCESS COMPARE**  
8 **WITH THE APPROACH USED BY VMD AND THE CLECS?**  
9

10 A30. The geographic territory defined by Staff's market definition is quite similar  
11 to the geographic territory proposed by other parties. My evaluation of the  
12 Baltimore and Washington markets focused on the fringe areas of the  
13 markets. It is my belief that the Fallston exchange area, which VMD  
14 included in its Baltimore market, should not be included since its  
15 customers appear to be served primarily by the Bel Air wire center. The  
16 Sykesville (SYVLMDSK), wire center which appears to be included in the  
17 VMD MSA proposal should not be included in the Baltimore market  
18 because there are no CLECs collocated there. The West River  
19 (GLVLMDGL, Galesville) and Olney (OLNYMDOK) wire centers that  
20 appear to be included in the VMD MSA proposal should not be included in  
21 the Washington market because no CLECs are collocated in those wire  
22 centers. It should be noted that these wire centers are located on the  
23 fringes of the markets and might be included in the future.

1

2   **Q31. HAVE YOU IDENTIFIED ALL OF THE WIRE CENTERS THAT EXIST IN**  
3       **MARYLAND?**

4

5   A31. I relied on the VMD list of wire centers submitted as its response to the  
6       Commission's Census Data Request. If other wire centers exist, I have no  
7       knowledge of them, but will evaluate and incorporate any additional  
8       information that is brought to my attention.

9

10   **Q32. WHAT CONCLUSIONS DID YOU REACH WITH RESPECT TO THE**  
11       **GEOGRAPHIC MARKETS IN MARYLAND?**

12

13   A32. There are presently at least two geographic markets in Maryland. They  
14       are the Washington and Baltimore markets defined by the aggregation of  
15       the specific wire centers listed in Attachment JTH-C and JTH-D.

16

17   **Q33. WHAT CONSIDERATIONS DID STAFF EVALUATE RELATIVE TO THE**  
18       **REST OF THE STATE?**

19

20   A33. Staff reviewed the number of collocation sites reported by the CLECs in  
21       the non MSA (areas outside the Washington and Baltimore) markets. It  
22       also identified the number of resale and UNE-P lines reported by the  
23       CLECs in those same areas. For information purposes I have included a

1           summary of the collocation sites which make up the non MSA markets. as  
2           Attachment JTH-E. I have included in these lists an accounting of VMD  
3           mass market customer counts and the CLEC customer counts for both  
4           resale and UNE-P.

5  
6           **Q34. HOW DOES THE DATA SUPPORT THE CONCLUSIONS REGARDING**  
7           **MARKET DEFINITION?**

8  
9           A34. Staff began its evaluation of the data responses as soon as they were  
10          received. The basic approach Staff used to study the data was to sort it  
11          into several different views as listed below. I have provided Attachments  
12          to this testimony as indicated below, to display the results of the data  
13          analysis that led the market definition conclusion.

14  
15               Attachment JTH-F – CLEC Collocations by Geographic area.

16                       This attachment shows the summary of collocation sites  
17                       each of the CLECs has installed within each of the defined  
18                       geographic markets and the non-MSA geographic territory.

19               Attachment JTH-G – Washington Market Collocations by Wire  
20                       Center.

21                       This attachment provides a detailed accounting of the wire  
22                       centers where the CLECs have installed their collocation  
23                       facilities in the Washington market.

1                   Attachments JTH-H – Baltimore Market Collocations by Wire

2                   Center.

3                   This attachment provides a detailed accounting of the wire  
4                   centers where the CLECs have installed their collocation  
5                   facilities in the Baltimore market.

6                   Attachment JTH-I – Non MSA Collocations by Wire Center.

7                   This attachment provides a detailed accounting of the wire  
8                   centers where the CLECs have installed their collocation  
9                   facilities in the non MSA territory.

10                  Attachment JTH-J – UNE-P Lines by Geographic Area by CLEC.

11                  This attachment provides a summary of CLEC UNE-P lines  
12                  by CLEC for each of the metropolitan geographic markets  
13                  and the non MSA geographic territory.

14                  Attachment JTH-K – UNE-P Lines by Wire Center by Market.

15                  This attachment provides a detailed accounting of the UNE-  
16                  P lines by wire center by market.

17                  Attachment JTH-L – Resold Lines by Geographic Area by CLEC.

18                  This attachment provides a summary of CLEC Resold lines  
19                  by CLEC for each of the metropolitan geographic markets  
20                  and the non MSA geographic territory.

21                  Attachment JTH-M – Resold Lines by Wire Center by Market.

22                  This attachment provides a detailed accounting of the  
23                  Resold lines by wire center by market.

Attachment JTH-N - Total UNE-P lines by CLEC.

This attachment provides a summary of UNE-P lines by company.

Attachment JTH-O – Total Resale Lines by CLEC.

This attachment provides a summary of resold lines by company.

**Q35. WHAT DID YOU LEARN ABOUT HOW CLECS ARE SERVING CUSTOMERS?**

A35. My interpretation of the data indicates that the facilities based providers are primarily serving customers using an enterprise network architecture. Furthermore, with the exception of the cable providers, there are a de-minimus number **\*\*\*BEGIN PROPRIETARY \*\*\*\*\*** working lines) **END PROPRIETARY\*\*\*** of CLEC mass market customers that are identified as part of the CLEC facilities based network. The **\*\*\*BEGIN PROPRIETARY\*\*\* \*\*\* \*\*\*END PROPRIETARY\*\*\*** lines were reported by one CLEC which has deployed **\*\*\*BEGIN PROPRIETARY\*\*\* \*\*\*\*\*** **\*\*\*END PROPRIETARY\*\*\*** working lines. The contrast is even greater when compared to the total of 311,817<sup>10</sup> working lines reported by all of the facilities based CLECs. The data also shows that where CLEC's are serving mass market customers, they serve them primarily by UNE-P and resale.

**DEDICATED TRANSPORT OVERVIEW**

**Q36. WHAT DID STAFF CONCLUDE ABOUT THE STATUS OF DEDICATED TRANSPORT IN MARYLAND.**

A36. Faina Kashtelyan performed the impairment analysis for dedicated transport in Maryland. With regard to dedicated transport, Staff concluded that the self provisioning trigger for DS-3 or dark fiber facilities are not satisfied. Similarly, Staff concludes that the wholesale triggers for dark fiber and DS-1/DS-3 facilities are not satisfied. In other words the CLEC's continue to face impairment with regard to dedicated transport.

**ENTERPRISE LOOPS OVERVIEW**

**Q37. WHAT DID STAFF CONCLUDE ABOUT THE STATUS OF ENTERPRISE LOOPS TRANSPORT IN MARYLAND.**

A37. At the time of this writing, Staff has not reached a conclusion on the enterprise loops issue. Kevin Mosier will be performing the enterprise loop impairment analysis and Staff will file testimony on the schedule approved by the Commission.

---

<sup>10</sup> Includes a \*\*\*BEGIN PROPRIETARY \*\*\*\*\* END PROPRIETARY\*\*\* surrogate line count

1 **Q38. THE GRANULAR ANALYSIS REQUIRED BY THE TRO WILL REQUIRE**  
2 **ONGOING FUTURE ANALYSIS OF THESE SAME ISSUES. DO YOU**  
3 **HAVE ANY RECOMMENDATIONS ABOUT HOW TO LOOK AT THESE**  
4 **ISSUES IN THE FUTURE?**

5  
6 A38. Without knowing what additional factors may need to be considered in the  
7 future, Staff proposes the following approach to each of the four major  
8 elements of the Commission's ongoing TRO obligation.

9 **1. Market Definition** - Staff has completed its initial definition of  
10 geographic markets which will need to be re-evaluated as  
11 competition evolves. In order to accomplish the market  
12 definition review, the Commission should require the CLECs  
13 and VMD to refresh the data provided to the Commission in this  
14 proceeding. Since the process of assembling and filing the  
15 large amounts of data associated with market definition and  
16 mass market switching analysis is quite a large effort, Staff  
17 proposes that the review take place annually to the extent that a  
18 party petitions the Commission. If no party petitions the  
19 Commission for such a review, the Commission could elect to  
20 skip an annual review.

21 **2. Mass Market Circuit Switching** – Much of the data needed to  
22 perform the market definition process is also used to evaluate  
23 the presence or absence of impairment in the mass market

1 circuit switching analysis. To that end a review of the mass  
2 market switching triggers could be performed each time the  
3 Commission performs the market definition review.

4 **3. Dedicated Transport** – The data required to perform the  
5 dedicated transport review is less voluminous than the data  
6 require for market definition and mass market circuit switching  
7 reviews. Staff proposes that subject to a petition, the dedicated  
8 transport analysis could be performed semi-annually. If no party  
9 petitions the Commission for a review, the Commission could  
10 defer further review of dedicated transport review until such time  
11 that a party files a petition for review.

12 **4. Enterprise Loops** - The data required to perform the enterprise  
13 loop review is less voluminous than required for the market  
14 definition and mass market circuit switching review. Staff  
15 proposes that subject to a petition, the enterprise loop analysis  
16 could be performed semi-annually. If no party petitions the  
17 Commission for a review, The Commission could defer the  
18 enterprise loop analysis until such time that a party files a  
19 petition for review.

20  
21 **Q39. ARE THERE ANY OTHER ISSUES WHICH STAFF WOULD LIKE TO**  
22 **DISCUSS?**  
23



1 A39. There are many other issues and sub issues contained with in TRO which  
2 while relevant, are not considered to be core issues by Staff. There is one  
3 issue however, which *may become relevant during future TRO evaluation*  
4 cycles. VMD submitted a number of dedicated transport routes with one  
5 end located in Maryland which cross jurisdictional boundaries into  
6 Washington DC or Virginia. The issue exists because special LATA rules  
7 apply to specific metropolitan areas on of which is Washington DC.

8  
9 Staff's technical analysis found evidence of impairment on these routes  
10 during this proceeding, so Staff recommends they should retain the  
11 impaired status presumed by the FCC. If non-impairment of any of these  
12 routes is established in future TRO evaluations, the Commission will have  
13 to determine the proper manner to address inter jurisdictional routes, and  
14 or petition the FCC for clarification on how to approach the matter.

15  
16 **SUMMARY**  
17

18 **Q40. DOES YOUR TESTIMONY TAKE INTO ACCOUNT THE EFFECT OF**  
19 **THE MARCH 2, 2004 RULING OF THE UNITED STATES COURT OF**  
20 **APPEALS FOR THE DISTRICT OF COLUMBIA?**

21  
22 A40. No, all of Staff's testimony presents Staff's conclusions regarding its  
23 analysis of the FCC TRO up to the filing date of March 5, 2004 but did not

1 make any changes or adjustments as a result of the March 2, 2004 ruling  
2 of the Court of Appeals.

3  
4 **Q41. PLEASE SUMMARIZE YOUR TESTIMONY.**

5  
6 A41. Staff has determined that facilities based competition in Maryland exists  
7 primarily in the enterprise market and that mass market competition is  
8 predominately served by CLECs through resale and UNE-P.

9  
10 The geographic markets in Maryland consist of the Washington and  
11 Baltimore metropolitan areas and the remainder of the state is not  
12 contested at this time. Staff concluded that the self provisioning triggers  
13 are not satisfied for mass market switching, and therefore , mass market  
14 circuit switching remains impaired in Maryland.

15  
16 Staff defined the TRO markets in Maryland as the aggregation of specific  
17 wire centers in the Washington and Baltimore areas. The remainder of  
18 the state was not subjected to the mass market switching impairment test.

19  
20 With regard to dedicated transport, Staff's evaluation found continued  
21 evidence of non-impairment for the self provisioning trigger for DS-3 or  
22 dark fiber facilities; Likewise, Staff found continued impairment for DS-1  
23 and DS-3 or dark fiber as a result of the wholesale trigger analysis.

1

2       Staff has not completed its analysis of the enterprise loops case, and has  
3       not yet reached any conclusions regarding the outcome of the enterprise  
4       loops analysis. Staff will discuss its analysis and conclusion regarding  
5       enterprise loops on the date specified in the procedural schedule.

6

7       Doug Dawson of CCG Consulting has performed a thorough analysis of  
8       the economic factors that would distinguish a mass market customer from  
9       an enterprise customer. The results indicate that Maryland customers  
10      with 6 lines and below with no data requirements belong to the mass  
11      market, and that Maryland customers with 7 lines and above belong to the  
12      enterprise market. The other factor that must be considered however, is  
13      the magnitude of the data requirements a customer may have, which  
14      could alter the line of demarcation on a customer by customer basis.

15

16   **Q42. DOES THIS CONCLUDE YOUR TESTIMONY?**

17

18   A42. Yes.

ATTACHMENT JTH-A

BACKGROUND AND EXPERIENCE

I have 32 years of experience in the telecommunications industry. My formal training consists of a Bachelor of Science degree in Electrical Engineering from Johns Hopkins University. In 1969 I started my career as a Switching Systems Engineer with Western Electric. That career was interrupted by two years of military service, during which I served as a central office repairman and outside plant technician. Upon my return to Western Electric, I continued my engineering career learning the details of hardware and software engineering of electronic switching systems. In 1984 I changed direction to perform network design and technical support for the regional sales operations of AT&T. I subsequently joined the Sales Operations team as an Account Executive in 1986. Prior to joining the Commission Staff in 2001, I managed several corporate telecommunications and re-engineering projects for Lucent Technologies.

## **ATTACHMENTS JTH-B to JTH-O**

**Attachments JTH-B to JTH-O Contain  
PROPRIETARY Information**

**No Public Version Is Available**

PUBLIC



# **ATTACHMENT 1**

**CLEC Collocation Maps**

**CLEC UNE-P Maps**

**PUBLIC**



## PUBLIC

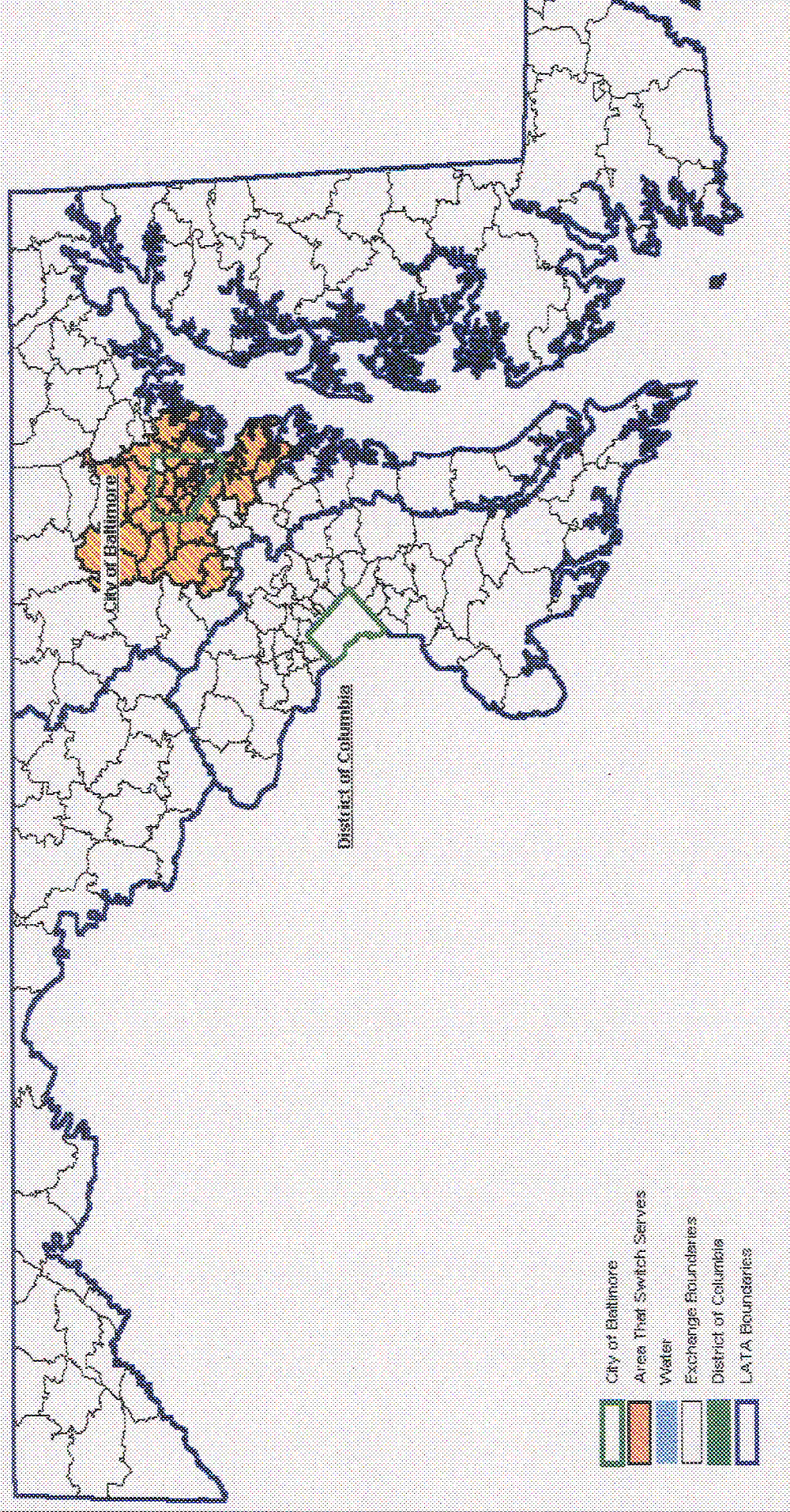
# CLEC Collocation Maps

- The CLEC Collocation Maps Identify:
  - The Location of the CLEC Switch
  - The Verizon Wire Centers in which the CLEC has established Collocation Facilities (Shaded Wire Centers)
  - Cable Companies are Characterized as Service Areas Since They do not Collocate in Verizon Wire Centers
  - The AT&T Collocation Wire Centers are Shown on the Same Map as Its UNE-P Customers



## Collocation Map

# PUBLIC

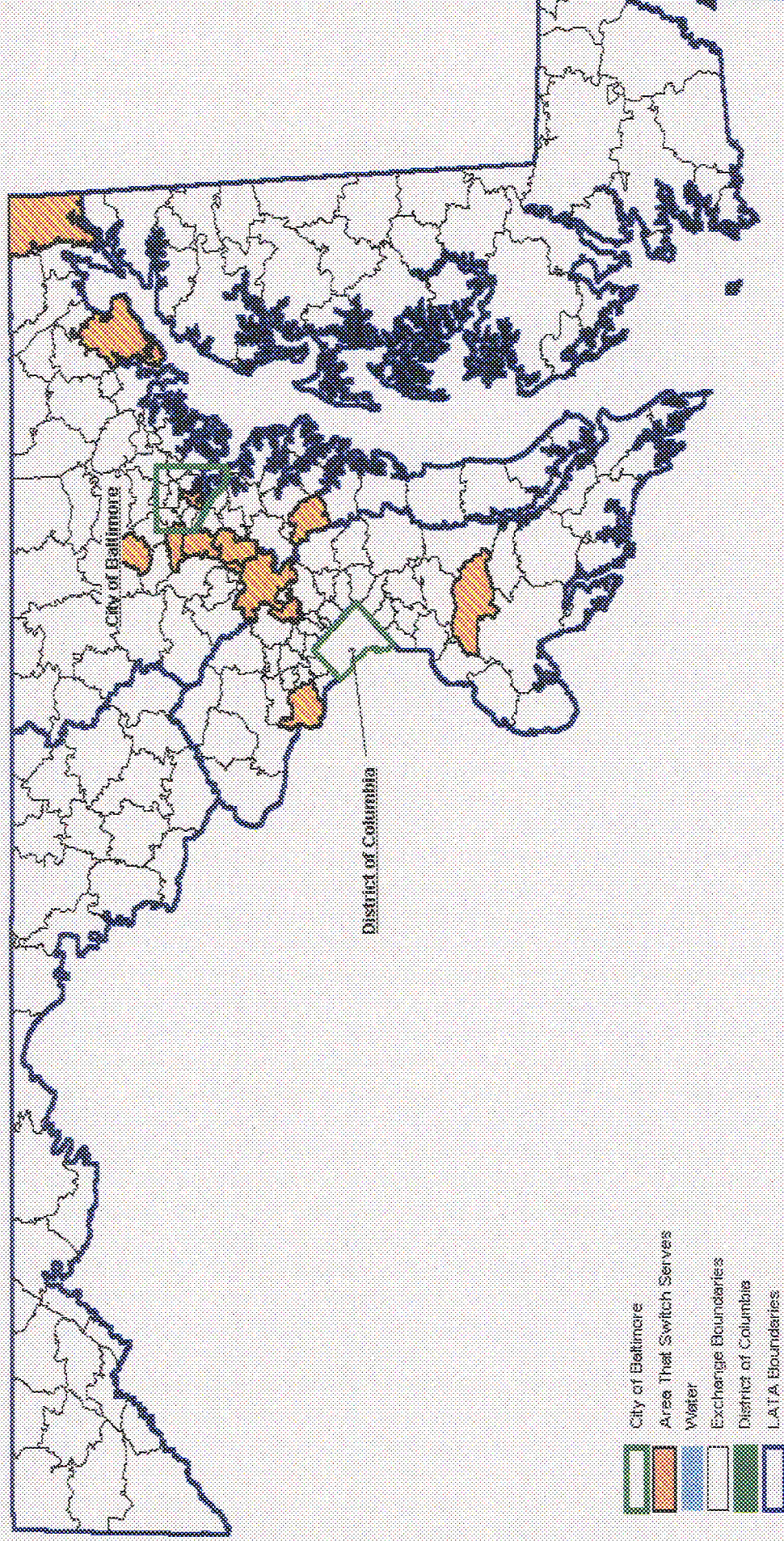


OCTOBER 4, 2004 FILED INITIAL COMMENTS OF THE PUBLIC SERVICE COMMISSION OF MARYLAND



# PUBLIC

## Collocation Map



OCTOBER 4, 2004 FILED INITIAL COMMENTS OF THE PUBLIC SERVICE COMMISSION OF MARYLAND